

RESTRAINT AND SECLUSION

The Board requires the implementation of an evidence-based, school-wide system or framework of non-aversive Positive Behavior Intervention and Supports (“PBIS”) by its employees to address inappropriate behavior by District students. As part of this framework, the District’s educational environments shall be structured to greatly reduce, and in most cases eliminate, the need to use the techniques of restraint or seclusion on District students. The PBIS prevention-oriented framework applies to all students, all staff, and in all settings.

Physical restraint and/or seclusion may only be used by trained District employees, and only when the dangerous behavior of a student creates an immediate risk of physical harm to the student or others and no alternative safe and effective intervention strategy is possible. Further, those techniques must be used in a manner that is age and developmentally appropriate. District employees shall utilize physical restraint and seclusion only in a manner that protects the safety of all children and adults within the District. Practices that do not adhere to the standards and requirements set forth in this policy are prohibited.

DEFINITIONS

Aversive Behavioral Interventions: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or tastes, or other sensory stimuli such as climate control, lighting, and sound.

Behavior Intervention Plan: a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills, and by providing positive behavior intervention and supports and services to address behavior.

Chemical Restraint: a drug or medication used to control a student’s behavior or restrict freedom of movement. Chemical restraint is prohibited by the District in accordance with the Prohibited Practices Section of this policy. Chemical restraint does not apply to a drug or medication that is:

- A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under Ohio law, for the standard treatment of a student’s medical or psychiatric condition; and
- B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional’s authority under Ohio law.

De-escalation Techniques: interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent, and disruptive incidents.

Functional Behavior Assessment: a school-based process for students with disabilities and students without disabilities that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. Consent from the parent and, as appropriate, the child, is to be obtained at the initial Functional Behavior Assessment.

Mechanical Restraint:

- A. Any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body by using an appliance or device manufactured for this purpose; but
- B. Does not mean a device used by trained student personnel, or used by a student, for the specific and approved therapeutic or safety purpose for which the device was designed and, if applicable, prescribed, including:
 - 1. Restraints for medical immobilization;
 - 2. Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
 - 3. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent:

- A. A biological or adoptive parent;
- B. A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);
- C. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- D. A surrogate parent who has been appointed in accordance with O.A.C. §3301-51-05 (E); or

- E. Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

Physical Escort: the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical Restraint: the use of physical contact in a way that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes:

- A. To break up a fight;
- B. To knock a weapon away from a student's possession;
- C. To calm or comfort;
- D. To assist a student in completing a task/response if the student does not resist the contact; or
- E. To prevent imminent risk of injury to the student or others.

Positive Behavior Intervention and Supports: a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

Positive Behavior Intervention and Supports Leadership Team: the assigned team at the District and building level that plans, coaches, and monitors positive behavior intervention and supports implementation in the District and building. Positive behavior intervention and supports leadership teams may include, but are not limited to, school administrators, teacher representatives across grade levels and programs, staff able to provide behavioral expertise, and other representatives identified by the District or school such as bus drivers, food service staff, custodial staff, and paraprofessionals.

Prone Restraint: physical or mechanical restraint while the individual is in the face-down position.

Seclusion: the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

Student: An individual enrolled in a school district.

Student Personnel: teacher, principal, counselor, social worker, school resource officer, teacher's aide, psychologist, bus driver, related services providers, nursing staff, or other District staff members who interact directly with students.

Timeout: a behavior intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

PROFESSIONAL DEVELOPMENT

The following are requirements for professional development to be received by student personnel to implement positive behavior intervention and supports on a system-wide basis:

- A. Occurs at least every three years;
- B. Provided by a building or District positive behavior intervention and supports leadership team or an appropriate state, regional, or national source in collaboration with the building or District positive behavior intervention and supports leadership team;
- C. The trained positive behavior intervention and supports leadership team will provide professional development to the school or District in accordance with a District developed positive behavior intervention and supports training plan. The District shall retain records of completion of the professional development; and
- D. The professional development will include the following topics:
 - 1. An overview of positive behavior intervention and supports;
 - 2. The process for teaching behavioral expectations;
 - 3. Data collection;
 - 4. Implementation of positive behavior intervention and supports with fidelity;
 - 5. Consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors; and
 - 6. Consistency in discipline and discipline referrals.

PROHIBITED PRACTICES

The following are prohibited under all circumstances, including emergency safety situations:

- A. Prone restraint as defined in Executive Order 2009-13S;
- B. Corporal punishment, as defined in O.R.C. 3319.41;
- C. Child endangerment as defined in O.R.C. 2919.22;
- D. Seclusion or restraint of preschool students in violation of the provisions of O.A.C. 3301-37-10 and/or O.A.C. 3301-35-15;
- E. The deprivation of basic needs;
- F. Restraint that unduly risks serious harm or needless pain to the student, including the intentional, knowing, or reckless use of any of the following techniques:
 - 1. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
 - 2. Pinning down with knees to torso, head and/or neck;
 - 3. Using pressure points, pain compliance and joint manipulation techniques;
 - 4. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
 - 5. Using other students or untrained staff to assist with the hold or restraint;
 - 6. Securing a student to another student or to a fixed object;
 - 7. Otherwise involves techniques that are used to unnecessarily cause pain.
- G. Mechanical or chemical restraints;
- H. Aversive behavioral interventions; and
- I. Seclusion of students in a locked room.

RESTRAINT

District employees are expressly prohibited from using the emergency safety intervention techniques of “prone restraint” (physical or mechanical restraint while the student is in the face

down position), which includes any physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student's primary mode of communication.

Student personnel may use physical restraint only as a last resort and in accordance with this Board policy and O.A.C. 3301-35-15.

Physical restraint may be used only:

- A. If a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective method of intervention is available;
- B. If the physical restraint does not obstruct the student's ability to breathe;
- C. If the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and
- D. By student personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Physical restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

Employees authorized to use the technique of physical restraint must:

- A. Only use those techniques of restraint for which they have been trained and authorized to use.
- B. Be appropriately trained to protect the care, welfare, dignity and safety of the student;
- C. Continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- D. Use the least amount of force necessary, for the least amount of time necessary;
- E. Use communication strategies and research-based de-escalation techniques in an effort to help the student regain control;
- F. Immediately remove the student from physical restraint or seclusion when the risk of physical harm to himself/herself or others has dissipated;

- G. Conduct a debriefing with all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- H. Complete all required reports and document all staff observations of the student and submit such material to the District's administrative office.

Following the use of physical restraint, the student should be assessed for injury or psychological distress and monitored as needed following the incident.

If, at any point, the staff assesses that the intervention is insufficient to maintain the safety of all involved, appropriate emergency contacts shall be made according to the District's crisis policy.

If a student repeatedly engages in dangerous behavior that leads to instances of restraint, the District shall conduct a functional behavioral assessment to identify the student's needs and more effective ways to address those needs. If necessary, the functional behavioral assessment will be followed by a behavioral intervention plan that incorporates appropriate positive behavioral interventions.

SECLUSION

Seclusion is a last resort safety intervention that provides an opportunity for the student to regain self-control. Seclusion may be used only if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective method of intervention is possible. Seclusion shall never be used as a punishment or to force compliance, and should only be used in a manner that is age and developmentally appropriate.

A room or area used for seclusion shall provide for adequate space, lighting, ventilation, clear visibility, and the safety of the student. The room or area used for seclusion shall never be locked, nor shall it prevent the student from exiting the area should staff become incapacitated or leave the area. The technique of seclusion shall be used for the least amount of time necessary.

Seclusion shall not be used for:

- A. The convenience of staff;
- B. As a substitute for an educational program;
- C. As a form of discipline or punishment;
- D. As a substitute for less restrictive means of assisting a student in regaining control, such that it is reflective of the cognitive, social, and emotional level of the student;

- E. As a substitute for inadequate staffing;
- F. As a substitute for staff training in PBIS, supports framework, and crisis management; or
- G. As a means to coerce, retaliate, or in a manner that endangers a student.

Staff using the technique of seclusion must:

- A. Be appropriately trained to protect the care, welfare, dignity, and safety of the student;
- B. Continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- C. Use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- D. Remove the student when the immediate risk of physical harm to self or others has dissipated;
- E. Conduct a de-briefing, including all involved staff, to evaluate the trigger for the incident, staff response, and methods to address the student’s behavioral needs; and
- F. Complete all required reports and document all staff observations of the student and submit such material to the District’s administrative office.

If, at any point, the staff assesses that the intervention is insufficient to maintain the safety of all involved, appropriate emergency contacts shall be made according to the District’s crisis policy.

MULTIPLE INCIDENTS OF RESTRAINT AND SECLUSION

- A. After the third incident of physical restraint or seclusion in a school year of a student who has been found eligible for special education services or has a 504 plan, the requirements are as follows:
 - 1. The student’s individualized education program (“IEP”) or 504 team will meet within 10 school days of the third incident;

2. The IEP or 504 team will consider the need to conduct or develop a functional behavior assessment or behavior intervention plan, or amend an existing functional behavior assessment or behavior intervention plan.
- B. For students not described in (A), above, a team, consisting of the parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members will meet within 10 school days of the third incident to discuss the need to conduct or review a functional behavior assessment and/or develop a behavior intervention plan.
 - C. Nothing in this section is meant to prevent the completion of a functional behavior assessment or behavior intervention plan for any student who might benefit from these measures, but has fewer than three incidents of restraint or seclusion. The District may still conduct an evaluation or other obligation it determines appropriate under the Individuals with Disabilities Education Act.

TRAINING AND PROFESSIONAL DEVELOPMENT

All student personnel shall be trained annually on the Ohio Department of Education's policy regarding PBIS and restraint and seclusion, O.A.C. 3301-35-15, and this policy. Such training shall be kept current in accordance with the requirements of the provider of the training. The District shall maintain written or electronic documentation on such training, which shall include a list of all employees who have participated in the training. Further, an adequate number of employees in each building in the District shall be annually trained in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. The minimum training requirements are as follows:

- A. Proactive measures to prevent the use of seclusion or restraint;
- B. Crisis management;
- C. Documentation and communication about the restraint or seclusion with appropriate parties;
- D. The safe use of restraint and seclusion;
- E. Instruction and accommodation for age and body size diversity;
- F. Directions for monitoring signs of distress during and following physical control;
- G. Debriefing practices and procedures;

- H. Face-to-face training;
- I. Allow for a simulated experience of administering and receiving physical restraint; and
- J. Ensure that participants demonstrate proficiency in these minimum training requirements.

The District shall maintain written or electronic documentation that includes the following:

- A. The name, position, and building assignment of each person who has completed training;
- B. The name, position, and credentials of each person who has provided the training;
- C. When the training was completed; and
- D. What protocols, techniques, and materials were included in training.

As part of the training, student personnel are to be trained to perform the following functions:

- A. Identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and
- B. Use preventative assessments that include at least the following:
 - 1. A review of existing data;
 - 2. Input from parents, family members, and students; and
 - 3. Examination of previous and existing behavior intervention plans.

REQUIRED DATA AND REPORTING

- A. Any incident of seclusion or restraint shall be immediately reported to building administration and the parent and also be documented in a written report that is issued to the parent immediately or within 24 hours. This written report is thereafter maintained by the District, including the county board of developmental disabilities or the educational service center in the event the District delegates this responsibility.

- B. The District shall annually report information regarding its use of restraint and seclusion to the Ohio Department of Education in the form and manner as prescribed by the Department.

COMPLAINT PROCESS

A parent may choose to file a complaint with the Ohio Department of Education, Office of Integrated Student Supports, in accordance with the complaint procedures outlined below.

- A. The parent forwards a copy of the complaint to the District serving the child at the same time the party files the complaint with the Ohio Department of Education.
- B. A sufficient complaint includes the following:
 - 1. A statement that the District has violated this policy;
 - 2. The facts on which the statement is based; and
 - 3. The signature and contact information for the parent.
- C. Timeline of the complaint:
 - 1. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
 - 2. The Ohio Department of Education, Office of Integrated Student Supports has a time limit of 90 days after the complaint is filed to:
 - a. Provide the District with the opportunity to respond to the parent, including, at the discretion of the District, a proposal to resolve the complaint;
 - b. Give the parent the opportunity to submit additional information, either orally or in writing, about the allegations of the complaint;
 - c. Review all relevant information and make an independent determination as to whether the District is violating a requirement;
 - d. Carry out an independent investigation, whether on-site or off-site, if the Ohio Department of Education determines that an investigation is needed;

- e. Issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the Ohio Department of Education’s final decision.
- D. This rule does not limit the ability of a parent of a student with a disability to file a complaint under any other provision of law.

MONITORING AND COMPLIANCE

The implementation of this policy shall be monitored. The District shall make its records concerning positive behavior intervention and supports and restraint and seclusion available to staff from the Ohio Department of Education upon request.

In addition to filing complaints with the Ohio Department of Education Office of Integrated Student Supports pursuant to the Complaint Process set forth above, parents of District students may file a complaint with other public agencies such as law enforcement, the Ashland County Department of Job and Family Services, or the office of professional conduct within the Ohio Department of Education. Parents also may submit written complaints to the Superintendent regarding an incident of restraint or seclusion. Upon receipt of such complaint, the Superintendent shall initiate an investigation of the incident, and shall make reasonable efforts to have an in-person follow-up meeting with the parent within 30 days of receiving the parent’s complaint.

The District will review this policy annually and will provide parents an annual notice to inform them of this policy, including the complaint process. The District will provide a support plan for substitute teachers to assist with positive behavior intervention and supports or crisis management and de-escalation, which includes restraint and seclusion.

LEGAL REF.: O.A.C. §3301-35-15

Adopted: July 19, 2021